

DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
amendment and transfer of)	ON PROPOSED AMENDMENT
ARM 8.77.101, 8.77.102,)	AND TRANSFER, ADOPTION,
8.77.103, 8.77.105, 8.77.107,)	REPEAL, AND TRANSFER
8.77.108, 8.77.109, 8.77.201,)	
8.77.203, 8.77.301 and)	
8.77.302, the proposed)	
adoption of NEW RULES I through)	
VII, the proposed repeal of)	
ARM 8.77.104 and the proposed)	
transfer of ARM 8.77.106,)	
8.77.303 and 8.77.304 all)	
pertaining to weights and)	
measures)	

TO: All Concerned Persons

1. On January 19, 2005, at 9:00 a.m., a public hearing will be held in Room B07, Park Avenue Building, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and transfer, adoption, repeal, and transfer of the above-stated rules.

2. The Weights and Measures Bureau of the Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m., January 13, 2005, to advise us of the nature of the accommodation that you need. Please contact Ms. Carol Larkin at P.O. Box 200516, Helena, Montana 59620-0516; 406-841-2240 (telephone); facsimile 406-841-2060; 406-841-0532 (TTD); e-mail clarkin@state.mt.us.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: There is reasonable necessity to amend and transfer the rules in ARM Title 8, Chapter 77 to ARM Title 24 in order to implement provisions of Chapter 483, Laws of 2001, which transferred various programs from the Department of Commerce to the Department of Labor and Industry. In addition to changing references from the Department of Commerce to the Department of Labor and Industry, there is reasonable necessity to make various technical amendments to clean up archaic, obsolete and unclear language present in the existing rules. There is reasonable necessity to update references to old editions of various technical manuals and publications in order to conform with current national standards. There is also reasonable necessity to amend the rules at this time as part of the Department's periodic review of its rules made in conjunction with the proposed transfers, and to update AUTH and IMP citations as appropriate.

There is reasonable necessity to repeal ARM 8.77.104 and adopt NEW RULES II through VII to clarify and improve the readability of the provisions related to the voluntary registration of individuals and agencies that perform installation, maintenance, repair, or reconditioning of commercial weighing or measuring devices. The existing rule contains repetitive provisions, is inconsistent in its use of terminology, and does not follow a logical order. NEW RULES II through VII are designed to address all of those problems, and to make it easier for the public and staff to follow and apply.

This general statement of reasonable necessity applies to all of the rule changes proposed, except where specifically noted.

4. The rules proposed to be amended and transferred provide as follows, stricken matter interlined, new matter underlined:

~~8.77.101~~ 24.351.227 SCALE PIT CLEARANCE (1) ~~On and after December 20, 1972, no~~ No new installations or replacements of vehicle or livestock scales ~~shall~~ may be placed in a pit, where the clearance from the floor of the pit to the bottom of the ~~I~~-beams is less than 42 inches.

(2) Scale pits ~~shall~~ are not ~~be~~ required for fully electronic scales unless the pit is necessary for the installation, operation or maintenance of the particular scale.

(3) Electronic scales which do not require a pit for their installation, operation or maintenance ~~shall~~ must be installed in strict compliance with the manufacturer's specification for each specific model and with the requirements of National Institute of Standards and Technology ~~(NIST)~~ Handbook 44, ~~1998~~ 2005 Edition.

(4) remains the same.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

~~8.77.102~~ 24.351.211 FEES FOR TESTING AND CERTIFICATION

(1) Special inspection fees ~~will be~~ are as follows:

(a) units over 5,000 pounds of testing weights, \$2.50 a mile, measured by the distance the bureau's employee travels in connection with the special inspection;

(b) all other units, \$1.25 a mile, as measured by the distance the bureau's employee travels in connection with the special inspection; and

(c) ~~additional~~ time for testing by inspection, \$75 an hour.

(2) Where fees are not paid within 30 days after the special inspection, the equipment will be sealed and removed from service by the bureau ~~chief of weights and measures or his deputies,~~ until such fees have been paid. The ~~weights and~~

~~measures~~ bureau will coordinate the special inspections, whenever possible, with other inspection activities in an effort to keep charges as reasonable as possible.

AUTH: 30-12-202, ~~37-1-134~~, MCA
IMP: 30-12-202, 30-12-203, MCA

REASON: There is reasonable necessity to amend the AUTH citation to delete a non-applicable statutory reference while this rule is otherwise being amended. Although 37-1-134, MCA, applies to the professional and occupational licensing programs administered by the Department, it does not provide statutory authority for rulemaking by the weights and measures bureau.

~~8.77.103~~ 24.351.201 NIST HANDBOOK 44 - SPECIFICATIONS, TOLERANCES AND OTHER TECHNICAL REQUIREMENTS FOR WEIGHING AND MEASURING DEVICES (1) The bureau, ~~of weights and measures~~ with the advice and counsel of the NIST, ~~hereby~~ adopts the specifications, tolerances and requirements for commercial weighing and measuring devices published in NIST Handbook 44, ~~—1999~~ 2005 Edition, as the specifications, tolerances and requirements for commercial weighing and measuring devices for the state of Montana with the following exception:

(a) Section 3.31, Vehicle Tank Meters Code, UR.2.2. Ticket Printer; Customer Tickets ~~shall~~ is not ~~be~~ adopted or enforced.

(2) A copy of NIST Handbook 44 can be obtained from the United States Department of Commerce, National Institute of Standards and Technology, National Conference of Weights and Measures, Gaithersburg, Maryland 20899-0001.

AUTH: 30-12-202, MCA
IMP: 30-12-202, ~~30-12-205~~, 30-12-401, 30-12-406, 30-12-407, 30-12-408, 30-12-409, MCA

REASON: There is reasonable necessity to amend the IMP citation to add applicable statutory references while this rule is otherwise being amended.

~~8.77.105~~ 24.351.221 WEIGHING DEVICE LICENSE TRANSFER

(1) For all licenses administered by the one-stop licensing program, device license transfer is subject to the requirements established in 30-16-302, MCA. For all other licenses administered by the ~~weights and measures~~ bureau, the following ~~shall~~ apply:

(a) and (b) remain the same.

AUTH: 30-12-202, MCA
IMP: 30-12-203, MCA

~~8.77.107~~ 24.351.215 LICENSE FEE SCHEDULE FOR WEIGHING AND MEASURING DEVICES (1) Measuring device license fees ~~will be~~ are as follows:

- (a) each gasoline meter, diesel meter, compressed natural gas dispenser or fuel oil meter with a listed maximum delivery rate of 20 or less gallons per minute (gpm) \$16
~~shall be \$16 per meter;~~
- (b) each petroleum vehicle tank meter or stationary petroleum meter with a maximum listed delivery rate of between 130 gpm and 20 gpm 55
~~shall be \$55 per meter;~~
- (c) each petroleum vehicle tank meter or stationary petroleum meter with a maximum listed delivery of over 130 gpm 65
~~shall be \$65 per meter;~~
- (d) each liquefied petroleum ~~liquid gas (LPG)~~ meter \$ 80
~~(e) each vapor meter \$10;~~
- ~~(f) each petroleum and liquefied petroleum vehicle tank up to and including 2,000 gallons (7,570 liters) \$60;~~
- ~~(g) each petroleum and liquefied petroleum vehicle tank over 2,000 gallons (7,570 liters) \$60 plus \$12 for each additional 1,000 gallons (3,785 liters).~~
- (2) Weighing device license fees ~~shall be~~ are as provided in 30-12-203~~(3)~~, MCA.

AUTH: 30-12-202, 82-15-102, MCA
IMP: 30-12-203, 82-15-105, MCA

REASON: There is reasonable necessity to amend ARM 8.77.107 in order to present the license fee information in table form for ease of use by businesses, the public, and the Department. The Department notes that no changes to fee amounts are being proposed, and therefore there is no fiscal impact to license holders or to the public. Additionally, there is reasonable necessity to amend the rule to remove (1)(e), (f) and (g), as the described measuring devices are no longer used in commercial sales. There is reasonable necessity to amend the AUTH and IMP citations to identify the statutory authority used for the cross-reference to 30-12-203, MCA, while this rule is otherwise being amended.

~~8.77.108~~ 24.351.101 DEFINITIONS As used in ~~ARM 8.77.104~~ and this rule chapter, the following ~~words and phrases will be construed to have the following meanings~~ definitions apply:

~~(1)(5)~~ "Registered serviceperson" ~~shall be construed to mean~~ means any individual who for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial weighing or measuring device, and who voluntarily applies for registration with the bureau ~~of weights and measures~~.

~~(2)(4)~~ "Registered service agency" ~~shall be construed to mean~~ means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial

weighing or measuring device, and that voluntarily registers itself as such with the bureau of weights and measures. Under agency registration, identification of individual servicepersons shall be required.

(1) "Bureau" means the weights and measures bureau of the Montana department of labor and industry.

~~(3)(2)~~ "Commercial weighing and or measuring device" shall be construed to include means:

(a) any weight, or measure, or weighing or measuring devices device commercially used or employed in establishing to establish:

(i) the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption purchased, offered or submitted for sale, hire or award, that are offered or sold; or

(ii) any basic charge of payment for services rendered on the basis of weight or measure; and

(b) It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

(3) "NIST" means the national institute of standards and technology of the United States department of commerce.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

~~8.77.109 24.351.204~~ UNIFORM REGULATION FOR NATIONAL TYPE EVALUATION (1) ~~The weights and measures bureau of the department of commerce adopts and incorporates by reference herein the Uniform Regulation for National Type Evaluation, as found in the NIST Handbook 130, 1998 2005 Edition. A copy of NIST Handbook 130, 1998 Edition, can be obtained from the United States Department of Commerce, National Institute of Standards and Technology, National Conference of Weights and Measures, Gaithersburg, Maryland 20899 0001. Uniform Laws and Regulations 1998 Edition has been published in the National Conference on Weights and Measures, Publication 14 on page 127, "National Type Evaluation Program, Administrative Procedures, Technical Policy, Checklists, and Test Procedures" and is adopted in its entirety with the following exceptions modifications:~~

(a) in Section 2.3, the term "director" is replaced by the term "bureau chief" and refers to means the bureau chief of the bureau of weights and measures and not the director of the bureau of weights and measures;

(b) in Section 4, subsections 3 through 7, insert in all blank spaces the date of January 1, 1999; and

(c) in Section 8, insert in the blank space January 1, 1999, for the effective date for this regulation.

(2) A copy of NIST Handbook 130 can be obtained from the United States Department of Commerce, National Institute of

Standards and Technology, National Conference of Weights and Measures, Gaithersburg, Maryland 20899-0001.

AUTH: ~~30-12-201~~ 30-12-202, MCA
IMP: 30-12-202, MCA

REASON: There is reasonable necessity to amend the AUTH citation to correctly reflect the statutory rulemaking authority for the Department while the rule is otherwise being amended.

~~8.77.201~~ 24.351.301 NIST HANDBOOK 130 - UNIFORM LAWS AND REGULATIONS (1) The bureau, ~~of weights and measures with the advice and counsel of the national institute of standards and technology hereby~~ NIST, adopts the model regulations to provide accurate and adequate information on packages as to the identity and quantity of contents so that purchasers can make price and quantity comparison. The regulations are published in the ~~National Institute of Standards and Technology~~ NIST Handbook 130, 2005 Edition, Part IV, subparts:

(a) ~~A-1~~ Uniform Packaging and Labeling Regulation;
(b) ~~B-1~~ Uniform Regulation for the Method of Sale of Commodities; and

(c) ~~C-1~~ Uniform Unit Pricing Regulation, ~~1998 Edition~~.

(2) A copy of NIST Handbook 130 can be obtained from the United States Department of Commerce, National Institute of Standards and Technology, National Conference of Weights and Measures, Gaithersburg, Maryland 20899-0001.

~~(2) All provisions of all orders and regulations heretofore issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, are hereby revoked.~~

AUTH: 30-12-202, MCA
IMP: 30-12-202, MCA

~~8.77.203~~ 24.351.311 RANDOM INSPECTION OF PACKAGES

(1) remains the same.

(2) The state is divided into ~~seven~~ inspection regions and it is anticipated that each inspection region will complete approximately ~~800 random package~~ 50 "package lot" inspections per year in random areas throughout the inspection region.

(3) The package inspections shall include all types of commodities as provided for in Title 30, chapter 12, parts 3 and 4, MCA, ~~and Title 8, chapter 77, subchapter 2, Administrative Rules of Montana.~~

AUTH: 30-12-202, 30-12-207, MCA
IMP: 30-12-207, MCA

REASON: There is reasonable necessity to amend ARM 8.77.203 to reflect the current deployment of bureau staff in the state who are conducting the inspections. The bureau assigns its

inspectors to regions across Montana. Fluctuations in staff levels occasionally require revising the number of regions or the specific boundaries, which are internal agency matters and therefore not required to be described in rule. In addition, there is reasonable necessity to remove an unnecessary cross-reference.

~~8.77.301~~ 24.351.411 SAMPLING OF PETROLEUM PRODUCTS

(1) ~~Sampling of petroleum products shall be made in accordance with ASTM "Manual on Measuring and Sampling". All sampling will be done by employees of the weights and measures bureau, department of commerce, state of Montana. A random sampling of petroleum products of the manufacturer and importer will be made to insure ensure that proper standards are being met. Cost The cost of testing these samples will must be paid for by the manufacturer or importer.~~

(2) On complaint of an individual as to standards of a petroleum product, sampling will be made by employees of the ~~weights and measures bureau of the department of commerce, state of Montana. A thorough An~~ investigation will be conducted by the ~~department of commerce bureau~~ to determine if a test is required for the petroleum product in question.

AUTH: 82-15-102, MCA

IMP: 82-15-107, MCA

~~8.77.302~~ 24.351.401 NIST HANDBOOK 130 - UNIFORM LAWS AND REGULATIONS (1) ~~The weights and measures bureau, with the advice and counsel of the national institute of standards and technology hereby NIST, adopts, except as provided in (2), the regulations concerning fuel specifications and gasoline-oxygenate blends. The regulations are published in the National Institute of Standards and Technology NIST Handbook 130, 2005 Edition, Part IV, subpart G-, Uniform Regulation of Engine Fuels, Petroleum Products, and Automotive Lubricants, 1996 Edition.~~

(a) A copy of NIST Handbook 130 can be obtained from the United States Department of Commerce, National Institute of Standards and Technology, National Conference of Weights and Measures, Gaithersburg, Maryland 20899-0001.

(2) remains the same.

AUTH: 82-15-102, MCA

IMP: 82-15-103, MCA

4. The proposed new rules provide as follows:

NEW RULE I NIST HANDBOOK 133 - CHECKING THE NET CONTENTS OF PACKAGED GOODS (1) The bureau, with the advice and counsel of NIST, adopts the test methods and procedures as published in NIST Handbook 133, fourth edition, as the methods and procedures to be used for determining net weight of packaged commodities for the state of Montana.

(a) A copy of NIST Handbook 133 can be obtained from the United States Department of Commerce, National Institute of Standards and Technology, National Conference of Weights and Measures, Gaithersburg, Maryland 20899-0001.

AUTH: 30-12-202, 30-12-207, 30-12-301, 30-12-302, MCA

IMP: 30-12-202, 30-12-207, 30-12-301, 30-12-302, MCA

REASON: There is reasonable necessity to adopt NEW RULE I in order to place businesses and consumers on fair notice of the methodology the Department uses to check the net contents of packaged goods by adopting the most current edition of national standards.

NEW RULE II VOLUNTARY REGISTRATION PROGRAM FOR SERVICEPERSONS AND SERVICE AGENCIES (1) The bureau operates a voluntary registration program for individuals and entities that have demonstrated an ability to accurately install, service, repair or recondition a commercial weighing or measuring device.

(2) This rule does not preclude or limit the right and privilege of any individual or entity not registered with the bureau to install, service, repair or recondition a commercial weighing or measuring device.

(3) The bureau does not guarantee the work or fair dealing of a registered serviceperson or registered service agency.

(4) The bureau shall maintain and make public a list of registered servicepersons and registered service agencies.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

NEW RULE III INDIVIDUAL APPLICANTS FOR REGISTRATION

(1) An individual qualified by training or experience may apply for voluntary registration to service weighing devices or measuring devices. The applicant shall use the application form supplied by the bureau. The form must be signed by the applicant.

(a) The applicant must certify that the individual:

(i) is fully qualified to install, service, repair or recondition whatever devices for the service of which competence is being registered;

(ii) has in possession, or available for use, all necessary testing equipment and standards; and

(iii) has full knowledge of all appropriate weights and measures laws, rules and regulations.

(b) The individual applicant shall submit appropriate evidence or references demonstrating the applicant's qualifications. The bureau may independently verify the qualifications of each individual applicant.

(2) An individual applicant must have available sufficient standards and equipment to adequately test devices as set forth in the notes section of each applicable code in

NIST Handbook 44, 2005 Edition, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." The equipment must meet the applicable specifications of:

(a) NIST Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F)";

(b) NIST Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask"; or

(c) NIST Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards".

(3) Each individual applicant shall complete and pass a written test to determine the applicant's knowledge of the appropriate weights and measures laws, rules and regulations prior to the issuance by the bureau of the initial certificate of registration.

(a) Subsequent testing may be necessary due to changes in weights and measures laws and rules. Such testing shall be given whenever deemed necessary by the bureau. If such subsequent testing is appropriate, the bureau shall provide notice to registered servicepersons of the subsequent testing prior to the time of the next renewal of the certificate of registration.

(4) There is a \$25 fee for registration as a serviceperson.

(5) Upon verification of an individual applicant's qualifications and the applicant successfully passing the examination, the bureau will issue a "certificate of registration" and assign a registration number to the individual.

(6) A certificate of registration expires on December 31, unless revoked earlier for good cause.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

NEW RULE IV AGENCY APPLICANTS FOR REGISTRATION (1) An entity may apply for voluntary registration as a registered service agency. The applicant shall use the application form supplied by the bureau. The form must be signed by the chief executive officer or manager of the applicant.

(2) The agency applicant must:

(a) certify that it has, or has available to it, sufficient standards and equipment to adequately test devices. The standards and equipment must conform with the requirements identified in [NEW RULE III];

(b) describe the standards and equipment it will use; and

(c) employ at least one individual who is a registered serviceperson, whose registration is recognized in Montana. The applicant must identify each registered serviceperson it employs who intends to work in Montana.

(3) The bureau may independently verify that the standards and equipment described in the application meet the appropriate standards.

(4) There is a \$25 fee for registration as a service agency.

(5) Upon verification of an applicant's qualifications, the bureau will issue a "certificate of registration" and assign a registration number to the service agency.

(6) A certificate of registration expires on December 31, unless revoked earlier for good cause.

(7) A registered service agency must provide the bureau with a written list of the name of each registered serviceperson it employs. The list must be promptly updated by the registered service agency whenever it adds or loses a registered serviceperson in its employ.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

NEW RULE V PRIVILEGES AND OBLIGATIONS OF A CERTIFICATE HOLDER (1) An individual who holds a "certificate of registration":

(a) has the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the bureau;

(b) may place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and

(c) may place in service, until such time as an official examination can be made, a new or used weighing or measuring device.

(2) A registered serviceperson or registered service agency may not use, in servicing commercial weighing or measuring devices, any standards or testing equipment that have not been certified by the bureau. Equipment calibrated by another state's weights and measures laboratory that can show traceability to the national institute of standards and technology will also be recognized as equipment suitable for use by registered servicepersons or registered service agencies in this state.

(3) A registered serviceperson or registered service agency is responsible for installing, repairing and adjusting devices such that the devices are adjusted as closely as practicable to zero error.

(4) Each registered serviceperson and registered service agency shall execute a "placed-in-service" report when a device is placed in service. The "placed-in-service" report must be on a form provided by the bureau. Such a form must:

(a) be executed in duplicate;

(b) include the assigned registration number; and

(c) be signed by the registered serviceperson responsible for each:

- (i) rejected device restored to service; or
- (ii) newly installed device placed in service.

(5) Within 24 hours after a device is restored to service, or placed in service, the original of the properly executed placed-in-service report, together with any official rejection tag removed from the device, must be mailed to the bureau at the Department of Labor and Industry, Bureau of Weights and Measures, P.O. Box 200516, Helena, Montana 59620-0516. The duplicate copy of the report must be given to the owner or operator of the device.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

NEW RULE VI RENEWAL OF CERTIFICATE OF REGISTRATION

(1) An existing certificate of registration may be renewed annually by a qualified individual or agency upon payment of the applicable renewal fee:

- | | |
|----------------------|---------|
| (a) serviceperson | \$25.00 |
| (b) service agency | 25.00 |
| (c) late renewal fee | 12.50 |

(2) A registered serviceperson and a registered service agency shall submit, at least biennially, to the bureau for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. Failure to timely submit suitable standards and testing equipment may disqualify the individual or agency from renewing the certificate of registration.

(3) Renewals received by the bureau 30 days past the due date are subject to a late fee.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

NEW RULE VII REGISTRATION BY RECIPROCITY

(1) The bureau may enter into a reciprocal agreement with any other state(s) that has similar voluntary registration policies. Under such an agreement, a registered serviceperson and a registered service agency from any state that is party to the reciprocal agreement is granted full reciprocal authority, including reciprocal recognition of standards and testing equipment, in all states that are a party to such an agreement.

AUTH: 30-12-202, MCA

IMP: 30-12-202, MCA

STATEMENT OF ESTIMATED FISCAL IMPACT: The Department estimates, based on the number of registered servicepersons and registered service agencies currently enrolled in Montana,

that approximately 117 individuals and 58 entities will be affected by NEW RULES II through VII. After review of the amount of time it takes to process registration documents, the Department concludes that the registration of both individuals and entities take approximately the same amount of time, and thus has set the fees at the same level, which are commensurate with the cost of registration. The late fee is based on the additional costs involved with sending out a reminder letter approximately 30 days after a registration has expired.

The Department estimates that the total fiscal impact of the proposed registration fees will be approximately \$4,375 per year, based on the current number of registrations. The Department has no basis for estimating the impact of the late fee, because the Department does not have any historical data to support an estimate. The Department notes that fees for the voluntary registration program have not been changed since at least 1991.

5. The Department proposes to repeal the following rule:

8.77.104 VOLUNTARY REGISTRATION AND FEES OF SERVICE PERSONS AND SERVICE AGENCIES found at ARM pages 8-2206 through 8-2209.

AUTH: 30-12-202, MCA
IMP: 30-12-202, MCA

6. The Department advises interested persons that it intends to transfer the following rules without amendment:

8.77.106 (24.351.224) ACCESSIBILITY TO STOCK SCALES found at ARM pages 8-2209 and 8-2210.

AUTH: 30-12-202, MCA
IMP: 30-12-203, MCA

8.77.303 (24.351.421) CHARGES FOR LIQUEFIED PETROLEUM GAS found at ARM page 8-2236.

AUTH: 82-15-102, MCA
IMP: 82-15-109, MCA

8.77.304 (24.351.425) RECEIPT TO BE LEFT AT TIME OF DELIVERY found at ARM page 8-2236.

AUTH: 30-12-301, MCA
IMP: 30-12-407, MCA

7. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Jack Kane, chief of the Weights and Measures Bureau, Business

Standards Division, Department of Labor and Industry, at P.O. Box 200516, Helena, MT 59620-0516, by facsimile to (406) 841-2060, or by e-mail to jkane@state.mt.us, and must be received no later than 5:00 p.m., January 26, 2005.

8. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://www.state.mt.us/dli/bsd/wm/index.htm>. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The Department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the mailing list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding any specific topic or topics over which the Department has rulemaking authority. Such written request may be delivered to Mark Cadwallader, 1327 Lockey St., room 412, Helena, Montana, mailed to Mark Cadwallader, P.O. Box 1728, Helena, MT 59624-1728, faxed to the office at (406) 444-1394, by e-mail to mcadwallader@state.mt.us, or made by completing a request form at any rules hearing held by the Department of Labor and Industry.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

11. Judy Bovington, attorney, has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State December 6, 2004